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EXAMINER

E6M1/0624

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ARTYMR, B

PAPER NUMBER

2415

DATE MAILED: 06/24/97

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input checked="" type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input checked="" type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-34 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-34 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with Informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

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EXAMINER'S ACTION

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Part III DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

This application is informal in the arrangement of the specification. Applicants are suggested to rename sections "Field of Invention", "Problem" and "Solution" according to the following guidelines (see the highlighted).

The following guidelines illustrate the preferred layout and content for patent applications. These guidelines are suggested for the applicant's use.

Arrangement of Specification

The following order or arrangement is preferred in framing the specification and, except for the title of the invention, each of the lettered items should be preceded by the headings indicated below.

- (a) Title of the Invention.
- (b) Cross-References to Related Applications (if any).
- (c) Statement as to rights to inventions made under Federally-sponsored research and development (if any).
- (d) **Background of the Invention.**
 - 1. **Field of the Invention**
 - 2. **Description of the Prior Art.**
- (e) **Summary of the Invention.**
- (f) Brief Description of the Drawing.
- (g) Description of the Preferred Embodiment(s).
- (h) Claim(s).
- (i) Abstract of the Disclosure.

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2. The specification is replete with grammatical errors too numerous to mention specifically. The specification should be revised carefully. Examples of such errors are:

Page 2, line 9: "of a n article" appears to be a typographical error. Line 31: "ma il" appears to be a typographical error.

Claim Objections

3. Claim 17 is objected to because of the following informalities: The phrase "acluster" (see line 5) appears to be a typographical error. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-5, 18-22 are rejected under 35 U.S.C. § 102(a) as being anticipated by Graves et al., US patent #5,410,344.

- As per claims 1, 18: In the same art of information retrieval, Graves et al. teach a method corresponding apparatus having means for providing a user with access to selected ones of a plurality of target objects (audiovisual programs) and sets of

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target object characteristics (program's attributes) that are accessible via an electronic storage media 12, where the users are connected via user terminals 22 and data communication connections 16 to a target server system 14 which includes the electronic storage media (figure 1), the method comprising the steps of:

automatically generating target profiles (program's content code) for target objects and sets of target object characteristics stored in the electronic storage media 12, each of the target profile being generated from the contents of an associated one of the target objects and sets of target object characteristics (col. 4, lines 6-21),

automatically generating at least one user target profile interest summary ("personal preference file 32a", col. 4, lines 32-52) for a user at a terminal, each of the user target profile interest summary being generated from the target objects and sets of target object characteristics accessed by the user,

enabling access to the target objects and sets of target object characteristics stored on the storage media by the user via the target profiles (col. 4, lines 49-52).

- As per claims 2, 19: The target profile interest summary 32a is correlated with the target profiles (programs content code) to identify target objects and sets of target

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object characteristics that are likely to be interest to the user (col. 4, lines 5-52).

- As per claims 3, 20: A list of preferred target objects (preferred viewing file 30a) is transmitted to the user for selected by the user (col. 4, lines 49-52).

- As per claims 4, 5, 21, 22: A user selected program is transmitted to the user for viewing (col. 10, lines 37-38).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

7. Claims 6-11, 23-28 are rejected under 35 U.S.C. § 103 as being unpatentable over Graves et al.

- As per claims 6, 23: Graves et al. fail to clearly teach the transmitting of an identified target object to the user prior

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to user request, however it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to implement the transmitting of an identified target object to the user prior to user request. Motivation of the implementation is an obvious design choice of, e.g., for providing previews or advertising purpose.

- As per claims 7, 24: A list of preferred target objects (preferred viewing file 30a) is transmitted to the user for selected by the user (col. 4, lines 49-52) via a designated server (neighborhood node 17) closer to the user (figure 1).

- As per claims 8, 9, 25, 26: The transmitting of data from/to between user and server terminal is implicitly included in Graves et al.

- As per claims 10, 27: Graves et al. fail to clearly teach that the target object is a document having at least one page, and the generating of a user target profile interest summary based on the number of pages accessed by the user. However, Graves et al suggested that system 10 can be implemented for retrieving multimedia information which includes pages of document (col. 9, lines 47-53). Thus it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to implement Graves et al's teaching of system 10 for retrieving document target object. Motivation of the implementation is suggested by Graves et al. as set forth above.

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In this context, the user target profile interest summary will be generated based on the target's attributes and number of pages of the documents accessed by the user.

- As per claims 11, 28: The generated user target profile interest summary includes data 39 indicating the length of time the user accessed the retrieved target object (figure 3).

8. Claims 12-17, 29-34 are rejected under 35 U.S.C. § 103 as being unpatentable over Graves et al. as applied to claim 1 above, and further in view of Cutting et al (Scatter/Gather: A Cluster-based Approach to Browsing Large Document Collections).

- As per claims 12, 29: Graves et al. fail to clearly teach the sorting of target objects and target object characteristics based on similarity of contents, and generating a hierarchical menu that identifies a content in common of target objects and target object characteristics sorted into clusters. However, in the same art of information retrieving, Cutting et al. teach the method for sorting information into clusters based on similarity of its contents and presenting a hierarchical menu that identifies a content in common (Page 319, "Scatter/Gather Browsing"; Page 320, "Document Clustering"). Thus it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine Cutting's clustering method to Graves et al. for enabling a user to identify the desirable

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target object. Motivation of the combining is for the advantage of being easier and more effective to retrieve information as expressly suggested by Cutting et al in the conclusion remarks (page 325).

- As per claims 13, 15, 30, 32: The summary of the clusters is a profile having cluster' attribute data to be considered by the user (page 319, col. 2, section 2). The profile is provided to each cluster produced during each successive clustering iteration (page 319, section 2)

- As per claims 14, 31: Target objects are divided and subdivided into multi-level hierarchy (Page 319, "Scatter/Gather Browsing"; Page 320, "Document Clustering").

- As per claims 16, 33: Document clustering includes identifying of words (Page 320, "Document Clustering").

- As per claims 17, 34: The target object that is closest to the center of the cluster is selected (page 322, section 4). A cluster profile which is a short description of the content of the cluster is generated for the target objects sorted into the cluster (section 4.1). It would appear that the title of the selected target object and a set of words contained in the target profile is implicitly included in the short description of the cluster. Even if it is not the case, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to include the title of the selected target object and

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a set of words contained in the target profile in the short description of the cluster. Motivation of the implementation is for identifying the cluster.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huynh-Ba whose telephone number is (703) 305-9794. The examiner can normally be reached on Monday-Friday from 8.00AM to 4.30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Powell, can be reached on (703) 305-9703. The fax phone number for this Group is (703) 305-9724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Huynh-Ba
Patent Examiner
Art Unit 2415
6/18/97

HB